

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on May 21, 2003. In the Office the Examiner requires a drawing correction to Figure 1. Claim 12 is objected to by the Examiner for informalities. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Simons et al. (US 6,332,198) hereinafter Simons.

Applicant has carefully noted and reviewed the rejections, reference, and the Examiner's comments and herein provides amendments to the claims and arguments to more particularly point the subject matter regarded as inventive, distinguishing unarguably over the reference of Simons.

Regarding claims 1, 12 and 24 the applicant herein amends the claims to positively recite that the APS procedure is completed within a 50 millisecond time frame as required by automated-protection-switching protocol. APS comprises a protocol and software that enables a plurality, typically an aggregated group, of primary lines egressing from a router to be individually backed-up by a single backup line dedicated for the purpose.

Typically, for APS switchover from a primary terminal to a backup to be successful, it must occur within 50 milliseconds (ms), which is a standard set within the protocol. Also, of course, all of the primary terminal parameters, such as data transport protocols and state information must be identically implemented at the backup terminal to obtain a successful handshake at the other end of the communication path. APS fault protection is transparent to the other communicating party or system.

Applicant argues that Simons fails to specifically disclose APS software implemented in the computer system 10 for redundancy schemes. Simons uses a main processor 12 including main memory 40 (Fig. 5) which serves as the master processor for the system. The art of Simon teaches that all application dependent data resides in memory 40 and not in kernel software

in individual (col. 19, lines 32-37). Applicant believes that because information and communication needed to facilitate APS is not stored locally in Simons, as in applicant's invention, the 50 millisecond time frame could not be consistently accomplished. In applicant's invention all pertinent information is transmitted between APS modules making the information exchange required for APS occur faster. Simon suffers from network data flow interruption because true APS is not accomplished.

Applicant believes that claims 1, 12 and 24, as amended and argued above, are patentable over the art of Simon. Claims 2-11, 13-23, and 25-35 are patentable on their own merits, or at least as depended from a patentable claim.


As all of the claims left standing and as amended are clearly shown to be patentable over the prior art, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,

Sundara Murugan

by


Donald R. Boys
Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457

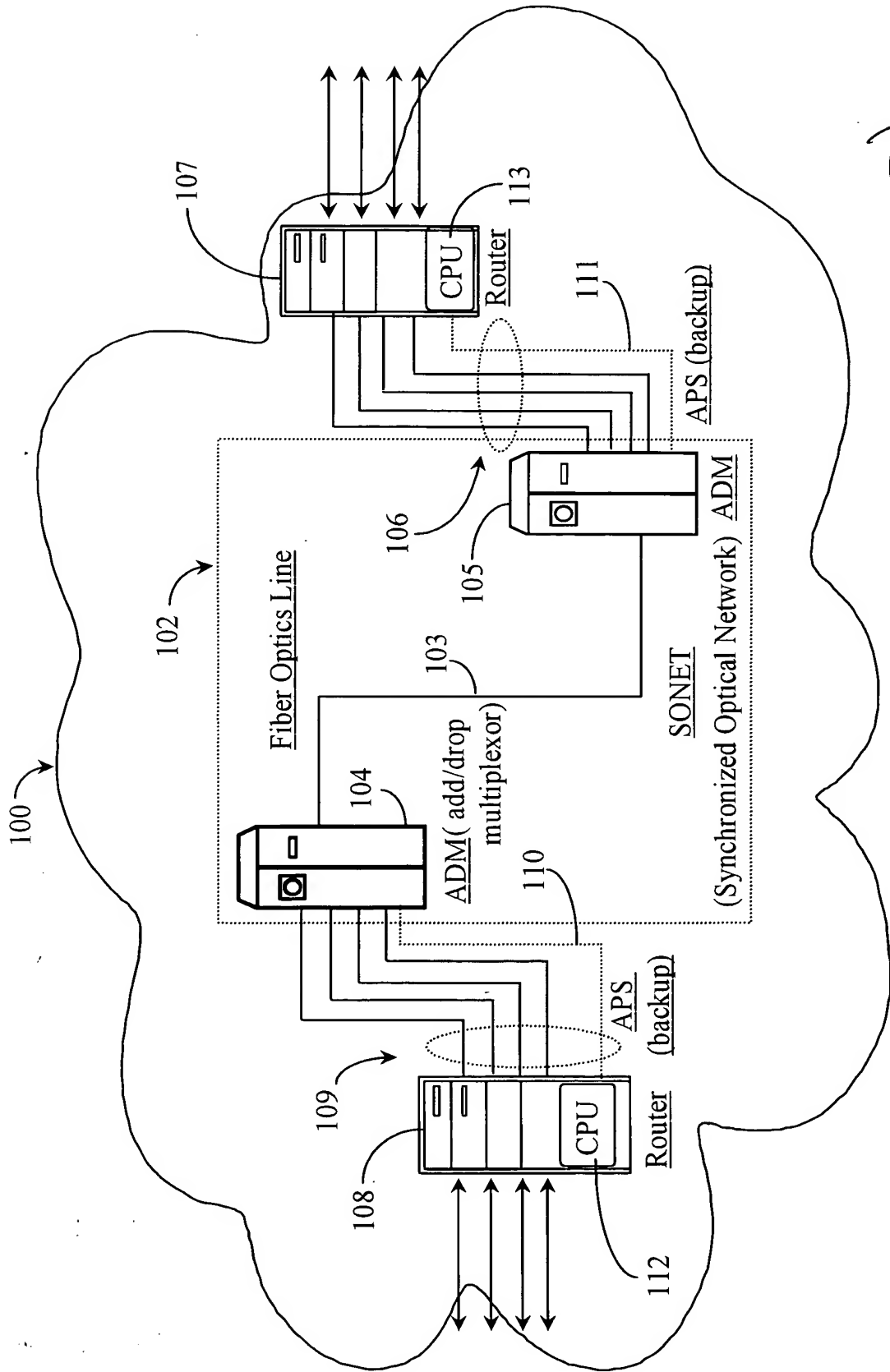


Fig. 1 (SONET APS (PPP)) (PRIOR ART)